

**ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RANDY YORDY,**  
Plaintiff

v.

**SCOTT BROWN, PAUL EVANKO,  
BERON F. STEAGER, AND BARRY L.  
BRINSER, et al.,**  
Defendants

No. 1:01-CV-0206

(Judge Kane)

17  
10/9/01  
JL

**FILED  
HARRISBURG**  
OCT 05 2001  
MARY E. DIANDREA  
Per. DEPUTY CLERK

**ANSWER**

Defendants, Scott Brown, Paul Evanko, Beron Steager and Barry Brinser,  
by their counsel, hereby submit this answer to the complaint.

**FIRST DEFENSE**

The numbered allegations are answered as follows:

1. ADMITTED.
2. ADMITTED in part; DENIED in part. ADMITTED that, at all material times, Scott Brown was an employee of the Pennsylvania State Police. The remainder of this numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.
3. ADMITTED in part; DENIED in part. ADMITTED that, at all material times, Beron Steager was an employee of the Pennsylvania State Police.

The remainder of this numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

4. ADMITTED in part; DENIED in part. ADMITTED that, at all material times, Barry Brinser was an employee of the Pennsylvania State Police. The remainder of this numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

5. ADMITTED in part; DENIED in part. ADMITTED that, at all material times, Paul Evanko was an employee of the Pennsylvania State Police and held the position of Commissioner. The remainder of this numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

6. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are ADMITTED.

7. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

8. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are ADMITTED.

9. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

10. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

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13. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

14. ADMITTED.

15. ADMITTED in part; DENIED in part. DENIED that the reason for the traffic stop was "purported." The remainder of this numbered paragraph is ADMITTED.

16. DENIED.

17. DENIED.

- a. DENIED.
- b. DENIED.
- c. DENIED.
- d. DENIED.
- e. DENIED.
- f. DENIED.
- g. DENIED.
- h. DENIED.
- i. DENIED.
- j. DENIED.
- k. DENIED.
- l. DENIED.
- m. DENIED.
- n. DENIED.
- o. DENIED.
- p. DENIED.
- q. DENIED.
- r. DENIED.

18. ADMITTED in part; DENIED in part. ADMITTED that Brown discharged his firearm. The remainder of this numbered paragraph is DENIED.

19. ADMITTED in part; DENIED in part. ADMITTED that Steager and Brinser came to plaintiff's home. The remainder of this numbered paragraph is DENIED.

20. DENIED.

- a. DENIED.
- b. DENIED.
- c. DENIED.
- d. DENIED.
- e. DENIED.
- f. DENIED.
- g. DENIED.
- h. DENIED.
- i. DENIED.
- j. DENIED.
- k. DENIED.
- l. DENIED.
- m. DENIED.

n. DENIED.

o. DENIED.

p. DENIED.

q. DENIED.

r. DENIED.

21. DENIED.

22. DENIED.

23. DENIED.

a. DENIED.

b. DENIED.

c. DENIED.

d. DENIED.

24. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

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### **SECOND DEFENSE**

The complaint fails to state a claim upon which relief may be granted.



**THIRD DEFENSE**

At no time did defendant, either individually or in concert with others, deprive or seek to deprive plaintiff of any rights, privileges or immunities secured to him by the Constitution or laws of the United States.

**FOURTH DEFENSE**

At all material times, defendant acted with a reasonable good faith belief in the lawfulness of his actions and is entitled to immunity therefor.

**FIFTH DEFENSE**

Any harm occurring to plaintiff, which harm is specifically denied, was the proximate result of actions or inactions of persons other than answering defendant.

**SIXTH DEFENSE**

Any harm occurring to plaintiff, which harm is specifically denied, was the proximate result of actions or inactions of plaintiff himself.

**SEVENTH DEFENSE**

The Court lacks subject matter jurisdiction.

**EIGHTH DEFENSE**

Plaintiff is estopped to litigate his claims against defendant.

**NINTH DEFENSE**

Defendant is immune from suit.


**TENTH DEFENSE**

The complaint is meritless, frivolous or vexatious warranting an award of attorney's fees against plaintiff.

Wherefore, judgment should be entered in favor of defendants, together with costs and attorney's fees.

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

By:   
**GREGORY R. NEUHAUSER**  
Senior Deputy Attorney General

**SUSAN J. FORNEY**  
Chief Deputy Attorney General  
Chief, Litigation Section

**OFFICE OF ATTORNEY GENERAL**  
15th Floor, Strawberry Square  
Harrisburg, PA 17120  
717-787-8106

**DATE: October 5, 2001**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RANDY YORDY,  
Plaintiff

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SCOTT BROWN, PAUL EVANKO,  
BERON F. STEAGER, AND BARRY L.  
BRINSER, et al.,  
Defendants

:  
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: No. 1:01-CV-0206  
:  
: (Judge Kane)  
:  
:  
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CERTIFICATE OF SERVICE

I, **GREGORY R. NEUHAUSER**, Senior Deputy Attorney General  
for the Commonwealth of Pennsylvania, Office of Attorney General, hereby  
certify that on **October 5, 2001**, I caused to be served a true and correct copy of  
the foregoing document **Answer** by depositing it in the United States mail, first-  
class postage prepaid to the following:

Spero T. Lappas, Esquire  
205 State Street  
Harrisburg, PA 17101-0808

  
**GREGORY R. NEUHAUSER**  
Senior Deputy Attorney General